

## REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 2, 3 and 7 have been amended in view of the informalities noted by the Office concerning "preferred" ranges. These "preferred" elements are now presented in new claims 9-12.

The problem solved by the invention is the provision of a spoonable soured low-fat vegetable fat-based cream alternative that is less prone to syneresis. The invention is based on the surprising finding that adding biopolymer **after** acidification of the protein-containing premix provides products that are more stable.

The Office states that a consecutive mixing order of the process steps of claim 1 is not required. Claim 1 has been amended to do so.

### **Claims 1-3 and 5-8 over Reckweg (WO 97/08956)**

Reckweg teaches water continuous spreads which are suitable as **butter** replacement.

Claim 1 of the present invention recites the post dosing of biopolymer to a premix comprising protein **after** acidification. The technical effect of this difference is that products are obtained that are less prone to syneresis (see Example).

The Office points to no teaching by Reckweg of the recited process. Nor does the Office find any teaching of biopolymer phase volume.

### **Claims 1-8 over Gupta (EP 0864255)**

As to Gupta, the Office again points to no teaching of the process including acidification of a protein containing phase followed by mixing of biopolymer or of the phase volume of the biopolymer phase.

### **Claims 1-3 and 6-8 over Campbell (EP 0540085)**

The Office refers to example 4 but EP 0540085 appears to contain only two examples (i.e., Examples 1 and II).

The Office points to no teaching by Campbell of the use of biopolymer as defined in the present specification (see e.g., page 7, first two paragraphs). Moreover, applicants would like to point out that the process described by Campbell at page 3, lines 15-26 does not mention any further process steps after acidification. The Office points to no teaching of addition of milk powder after acidification, even if milk powder were considered to be a biopolymer.

Applicants respectfully defer action on the obviousness double patenting rejection pending indication of allowable subject matter.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



---

Gerard J. McGowan, Jr.  
Registration No. 29,412  
Attorney for Applicant(s)

GJM/mpk  
(201) 894-2297